

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 22, 2000
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Linda Steinman
Bob Workman

Commissioners Absent: Bernie Heier

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Clerk
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 15, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Steinman moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated August 15, 2000. Campbell, Hudkins, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 15 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Hudkins seconded approval. Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

All Nations Church of the Lord Jesus Christ

MOTION: Steinman moved and Workman seconded approval of a motor vehicle tax exemption for All Nations Church of the Lord Jesus Christ. Steinman, Workman, Campbell and Hudkins voted aye. Motion carried.

The Chair recessed the Board of Equalization meeting until 2:30 p.m. when it was reconvened.

4) **DENIAL OF THE FOLLOWING TAX EXEMPTION ON PERSONAL PROPERTY FOR 1999:**

Saint Elizabeth Physician Network

Chuck Pallesen, attorney representing Saint Elizabeth Physician Network, appeared and said the property was transferred from non-profit to private ownership on September 1, 1999. He said the wrong date of transfer was initially indicated and an amended application for tax exemption for 1999 was filed.

Norm Agena, County Assessor, explained that ownership transferred prior to the levy date of October 15, 1999 which requires it to be placed back on the tax rolls. He recommended denial of the request for tax exemption.

MOTION: Hudkins moved and Steinman seconded to follow the recommendation of the County Assessor and deny tax exemption on personal property for Saint Elizabeth Physician Network for 1999. Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

5) **DENIAL OF THE FOLLOWING TAX EXEMPTIONS ON REAL PROPERTY FOR 2000:**

**Gentle Shepherd Baptist Church
University Place Art Center**

Norm Agena, County Assessor, said there is construction on the Gentle Shepherd Baptist Church site but building permits have not been obtained. He noted that the University Place Art Center has plans to renovate. Agena recommended denial of both tax exemption requests.

MOTION: Steinman moved and Workman seconded to accept the County Assessor's recommendation and deny tax exemptions on real property for Gentle Shepherd Baptist Church and the University Place Art Center for 2000. Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

6) **APPROVAL OF THE FOLLOWING TAX EXEMPTION ON REAL PROPERTY FOR 2000:**

**United Rubber Workers/United Steelworkers of America Local 286
Nebraska Annual Conference of the United Methodist Church**

MOTION: Steinman moved and Workman seconded to approve tax exemptions on real property for 2000 for United Rubber Workers/United Steelworkers of America Local 286 and Nebraska Annual Conference of the United Methodist Church. Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

7) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk

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- 2) **CLAIMS: Approval of all claims processed through Tuesday, August 22, 2000.**

MOTION: Workman moved and Steinman seconded approval. Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

Sharon Schrock, Nebraska State Board of Agriculture, gave a presentation regarding activities and events at the 2000 Nebraska State Fair and distributed related materials (Exhibit A).

4) **PUBLIC HEARINGS:**

Determination regarding whether the consolidation of the Lancaster County Register of Deeds and Lancaster County Assessor's office should be submitted to the registered voters for approval at the next general election, pursuant to Nebraska Revised Statutes §22-417 (Reissue 1997). The holder of each of these offices to be consolidated shall have his term of office end on the first Tuesday in January following the general election in which the holder of the consolidated office is selected.

The Register of Deeds maintains Lancaster County records on deeds, mortgages, instruments and writings authorized by law. The County Assessor supervises and directs assessment of all property in Lancaster County.

The Chair opened the public hearing and asked if anyone wished to testify.

Dave Johnson, Deputy County Attorney, appeared and submitted *Final Report and Recommendations of the Lancaster County Consolidation Committee and Potential Cost Savings and Increased Efficiencies Which May or May Not Be Realized from the Consolidation of the Offices of the Register of Deeds and the County Assessor*, a follow-up report from the Cost Savings and Efficiencies Review Committee, into the record (Exhibits B & C).

Campbell requested that copies of the follow-up report be mailed to members of the Lancaster County Consolidation Committee.

Dan Nolte, Register of Deeds, appeared and read a prepared statement into the record outlining his concerns with placing the consolidation issue on the ballot (Exhibit D).

Wayne Giebelhaus, Vice Chair of the Lancaster County Consolidation Committee, appeared and said 1996 Nebraska Law LB 1085 provided an opportunity for consolidation of some county elected offices. The Lancaster County Consolidation Committee, comprised of nine individuals from the general public, was formed in June, 1996 to look at the issue and make recommendation. He read the following statement from the committee into the record: "Consideration for consolidation of Lancaster County elected officials will not be based on turf protection, personalities or politics, but on the ability to create efficiency, non-duplication of services and tax savings to the citizens of Lancaster County."

Hudkins asked why the committee had suggested consolidation of the Register of Deeds, which produces revenue, with the County Assessor. He suggested that the duties of the Register of Deeds are more compatible with that of the County Clerk.

Giebelhaus said the committee did discuss the merger of other offices. He added that he did not recall any opposition to making this recommendation.

John P. Glynn Jr., attorney, appeared and said he has had extensive dealings with both offices and feels both provide excellent service. He said he was concerned that placing the consolidation issue on the ballot will give voters the perception that it will eliminate duplication, make the offices more efficient and lower taxes. Glynn questioned the savings and efficiencies of such a merger and said it may be more appropriate in a county with less filing volume. He added that "if it ain't broken, don't fix it".

Steinman said a follow-up committee had looked at whether consolidation of these offices would result in cost savings and operational efficiencies.

Campbell said copies of the reports will be provided to anyone desiring one.

Workman asked Glynn whether he was appearing on either side's behalf.

Glynn said Nolte had made him aware of the public hearing.

Hudkins noted that Nebraska is a "time race" state and asked Glynn to explain the importance of a timely filing.

Glynn explained that when filing a deed you want to make certain that it is the next deed of record; when filing a deed of trust or mortgage you want make certain that is the next lien of record; when filing protective covenants you want to make certain that they are recorded before the deeds conveying ownership to the buyer are recorded.

Hudkins asked whether it is more crucial to have the deed recorded or to have the deed absolutely correct at the time of filing.

Glynn said it is more important that the deed be recorded, noting errors can be corrected with a corrective deed.

Victor Covalt, attorney, appeared and said taxation is a politically charged issue and he would not want to taint the ministerial functions of the Register of Deeds with politics. He added that good service should be the key issue, not saving money.

In response to a question from Hudkins, Covalt said timely filing is crucial.

Allan Eurek, attorney, appeared and urged the County Board to look at a cost benefit analysis before placing the issue before the voters.

Workman questioned whether there is sufficient time to debate a cost benefit analysis before the election.

Eurek said it would be helpful to make more information available to the public.

Angelika Byorth, realtor, appeared and suggested a comprehensive study of cities of similar size. She said the current system provides checks and balances and mingling interests may create a conflict of interest. Byorth also stated that the amount of projected savings is insignificant in her estimation.

Dennis Tegtmeier, attorney, appeared and voiced concern about delays in filing.

Eugene Carroll, Lancaster County Consolidation Committee, appeared and read a prepared statement into the record indicating concern about the lack of an organizational plan for the consolidation and the rush to place the issue on the ballot (Exhibit E).

In response to a question from Hudkins, Carroll said members of the committee believed all of the recommendations had merit and an emphasis was not placed on any.

Hudkins asked whether real estate experts explained the "time race" concept and the need for checks and balances to members of the committee.

Carroll said no, but the office holders met with the committee and explained their respective functions. He added that the committee did not believe that every function of the Register of Deeds should be transferred to the County Assessor.

Steinman said the County Board had reviewed all four of the committee's recommendations. She noted that the Board lacks the authority to proceed with the committee's recommendation to merge the County Engineer and City Public Works Department.

Workman asked whether the committee had knowledge of any other counties where a merger of this type had been successful.

Carroll said the committee only looked at other counties within Nebraska. He noted that he had proposed that the County Clerk and Register of Deeds be merged, but that concept was not supported by other members of the committee.

Campbell noted that Carroll had indicated in a letter to the community that he believes that the Board was doing this because the funds were needed for another purpose. She asked Carroll to explain the reason for this conclusion.

Carroll said the Register of Deeds office has become more efficient since the time of the report and is now a revenue producing department. He said he is concerned that there will be inefficiencies once this office is pushed into the County Assessor budget and fees will need to be increased.

Campbell explained that fees go to the General Fund which is overseen by the Board.

Steinman added that the Register of Deeds office generated fees prior to the issuance of the report.

Gilbert Eley, realtor, appeared and cautioned against proceeding with consolidation merely to save a few dollars. He also questioned how the new office would be structured.

Chuck Pallesen, attorney, appeared and said he supports government consolidation, but on a wider scope. He questioned whether the \$100,000 in potential savings figure is accurate and said if the problem is over staffing, the problem could be handled without consolidation. Pallesen added that there may also be a simpler way to correct the problem of discrepancies.

Sharon Nemeth, Lancaster County Consolidation Committee, appeared and said the legislation only permitted the committee to look at the offices of Clerk of the District Court, County Assessor, County Clerk, County Engineer and Register of Deeds. She agreed with Carroll's comment that not every function of the Register of Deeds should be transferred to the County Assessor and said this is reflected in the committee's recommendation that all county records management functions should be identified and consolidated into one centralized location and authority. She said it was also her recollection that there was unanimous support of the recommendations.

Campbell noted that a Records and Information Management Department now exists that serves both the City and County.

Frank Eman, Lancaster County Consolidation Committee, appeared and said the committee had felt the recommendations should be accepted as a package, not piecemeal. He said the committee would have liked to have included the County Treasurer, but was limited by the legislation. Eman also said members of the committee should have received the follow-up report and been asked to comment.

Jim Lamphere, Capital Title Company, appeared and said there is a gap between the time the document is filed and when it becomes available for inspection. He said the effect this gap has on commerce is dramatic and the impact of a merger is a concern.

Dale Gruntorad, Chair of the Lancaster County Consolidation Committee, appeared and said LB 1085 states that "consolidated officeholders shall meet the qualifications of each office, as required by law", which addresses the "time race" requirement concerns. He said the committee looked at commonality of database, noting the Register of Deeds records are integral part of the work of the County Assessor, County Engineer, Public Works and Planning Department. Gruntorad said common coding of information and identifying discrepancies at the time of recording creates a sound database for the public and other departments.

Jeff Searcy, realtor, appeared and said that there has not been a public clamor for the merger. He asked the Board to delay action on the matter.

Norm Agena, County Assessor, appeared and said it has been suggested that if his office were to merge with the Register of Deeds filings would "go down the tube". He assured the Board that this is not true, noting filing procedures will not change if the offices are merged. Agena explained that his office is statutorily charged with maintaining a cadastral map (identifies ownership within legal boundaries and plots) and said each deed must be checked for accuracy. He said 20-25 percent of the deeds have discrepancies and must be researched in further detail. Agena said documents with discrepancies would still be filed if the offices were consolidated, but there would be an opportunity to identify problems and ask questions at the point of filing.

Hudkins asked whether the problem has been communicated to the Register of Deeds office and a database made available to them for checking of accuracy.

Agena said his office's database is readily available, but he cannot force the Register of Deeds office to use it.

Hudkins read from a County Attorney's opinion dated October 16, 1992, which states "based on the above analysis, this office is of the opinion that to require the Register of Deeds to ensure that a subdivision plat was recorded prior to accepting deeds referencing this plat would essentially be asking the Register of Deeds to engage in attesting to the legal validity of the instruments presented to them. This function would be contrary to the Register of Deeds' public function which is to maintain an open file and accept all documents entitled by law to be recorded for filing. The determination of the existence and extent of a valid interest in land is best resolved in a state court action." He said the Register of Deeds function is to file, not correct, the deeds.

Agena agreed and said deeds would continue to be filed, with or without errors.

Steinman noted there have been rumors that there will be a new computer system.

Terry Lowe, Information Services, appeared and said he was unaware of such plans. He said property information and photographs are currently accessible on Internet website and filing instruments will be made available within the next three weeks. Lowe noted that both systems are on the mainframe and communicate with each other. He said he believes that the database and computer question should be eliminated from consideration.

In response to a question from Steinman, Lowe said duplication of entry is minimal and common subdivision codes are being developed.

There being no further testimony, the Chair closed the public hearing.

Workman said he believes testimony has addressed the issues of a common database and duplication of entry. He noted concern with the potential for a conflict of interest, the lack of an organizational plan and that placing the issue on the ballot could create momentum for the issue.

MOTION: Workman moved and Hudkins seconded to not place consolidation of the offices of the Register of Deeds and County Assessor on the ballot.

Hudkins said he did not believe the proposal to consolidate the two offices was being made for the right reasons. He said a lack of communication and cooperation between the two offices is apparently a problem and suggested that the two officeholders strive to work out their differences.

Steinman said it is not up to the Board to decide on whether to merge the two offices, merely to decide whether to put the issue to a vote of the citizens. She said she believes voters are capable of making an informed decision on the issue.

Campbell agreed that it was the intent of the legislation to have citizens make that call. She also stated that County government has to "step up" to meet the times and adjust the way it does business.

ON CALL: Workman and Hudkins voted yes. Campbell and Steinman voted no. Motion failed on a tie vote.

Campbell asked Dave Johnson, Deputy County Attorney, whether another motion on the issue could be brought forth at a future time.

Johnson said no, the issue is dead since the motion failed.

5) **NEW BUSINESS:**

A. Receipt of report from the Sheriff's Office regarding business at Cheetah's, located at 640 West Van Dorn Street in Lancaster County, Nebraska.

Captain George Lahners appeared and reported on the Sheriff Department's observations of activities at Cheetah's for the period of August 5-9, 2000 in relation to County Resolution No. 3557. He reported that dancers wore bikini type tops that covered everything below the top of the nipple and the bottom of the breasts. Pubic areas were covered with a full opaque coverings and buttocks areas were covered the majority of the time.

Dave Johnson, Deputy County Attorney, said Terry Wagner, Lancaster County Sheriff, may not be available for the revocation hearing on Thursday, but other witnesses can be called.

Campbell requested that Item 5L be moved forward on the agenda.

L. Request for a continuance of Revocation Hearing by Counsel for DLH, Inc. Hearing is currently scheduled for August 24, 2000 at 1:00 p.m. in Room 113, located on the first floor of the County-City Building

Dave Johnson, Deputy County Attorney, said the request for continuance was based on matters other than the Sheriff's report.

MOTION: Steinman moved and Workman seconded to not continue the revocation hearing scheduled for August 24, 2000 at 1 p.m. Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

B. An application for a Special Designated License from Wine Merchants Inc. to hold the East High Class of 1980 Reunion on Saturday, September 2, 2000, from 6 p.m. to 12 a.m. at Boss Hog's, located at 6305 West Adams Street.

MOTION: Steinman moved and Workman seconded approval. Steinman, Workman, Campbell and Hudkins voted aye. Motion carried.

C. A standard network membership agreement with Infoscriber to provide the Mental Health Center with access to the Pharmacy Information and Prescription System. The contract has a one year term beginning July 8, 2000. The County will pay anywhere from nothing to \$900. (C-00-408)

MOTION: Hudkins moved and Workman seconded approval.

Steinman asked whether liability concerns have been addressed.

Dave Johnson, Deputy County Attorney, said it has been explained that doctors will be checking their own work and confidentiality of patient information will be maintained.

ON CALL: Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

D. An agreement with Region V Systems wherein the County, through the Community Mental Health Center, will provide emergency protective care services to individuals in other counties, beginning July 1, 2000 and ending June 30, 2001. The County will be paid an amount not to exceed \$42,200. (C-00-407)

Steinman said Dean Settle, Community Mental Health Center Director, had expressed concern that language will be added to the agreement to limit the number of days out-of-county clients can stay in the facility.

Dave Johnson, Deputy County Attorney, said he was unable to address this issue with Region V and asked that the item be dropped from the agenda.

MOTION: Steinman moved and Hudkins seconded to drop the item from the agenda. Campbell, Steinman, Workman and Hudkins voted aye. Motion carried.

E. An agreement with Cole, Layer, Trumble Company to provide consulting services for the County Assessor's Office with regard to an Income Valuation training session. The County will pay \$5,400 for the service to begin August 21, 2000 and end August 24, 2000. (C-00-409)

Dave Johnson, Deputy County Attorney, requested that the language be changed to indicate Lancaster County instead of Lincoln on the second line of the second paragraph.

MOTION: Steinman moved and Hudkins seconded approval, with that correction. Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

F. An agreement with the City of Hickman to have the Lancaster County Sheriff assign one deputy to the City. The City will pay \$45,308.30. The contract term is September 1, 2000 to August 31, 2001. (C-00-410)

MOTION: Hudkins moved and Workman seconded approval. Steinman, Hudkins, Workman and Campbell voted aye. Motion carried.

G. A resolution authorizing the installation of the following traffic signs in Lancaster County, Nebraska due to bridge replacement and associated grading work at County structure W-11 (STPE-BR-3260(1); Sprague Southwest): (R-00-102)

- **Installation of "Stop Ahead" signs in advance of the intersection of SW 58th Street and West Panama Road. One on SW 58th Street south of West Panama Road for northbound traffic, and one on SW 58th Street north of West Panama Road for southbound traffic.**
- **Installation of "Reverse Curve" signs in advance of the intersection of SW 58th Street and West Panama Road. One sign on SW 58th Street south of West Panama Road for northbound traffic and one on SW 58th Street north of West Panama Road for southbound traffic.**
- **Installation of a "Dirt Road" sign south of the intersection of SW 58th Street and West Panama Road for southbound traffic.**
- **Installation of "Hazard Marker" signs at each corner of the newly completed bridge. Install two additional "Hazard Marker" signs at each entrance corner of the newly completed bridge.**

MOTION: Steinman moved and Hudkins seconded approval. Workman, Campbell, Hudkins and Steinman voted aye. Motion carried.

H. A contract with CenterPointe to employ a qualified individual 40 hours per week as a specialized care manager. Contract term is July 1, 2000 to June 30, 2001. The County will pay \$37,412. (C-00-415)

Dave Johnson, Deputy County Attorney, appeared and asked that Items 5H and 5I be dropped from the agenda to allow for correction of typographical errors.

I. A contract with LAAA/LIFE to employ a qualified individual 40 hours per week to serve as a specialized care manager. The contract term is July 1, 2000 to June 30, 2001. The County will pay \$42,805. (C-00-414)

MOTION: Hudkins moved and Steinman seconded to drop Items 5H and 5I from the agenda. Hudkins, Workman, Campbell and Steinman voted aye. Motion carried.

J. A grant contract with ServiceLinc Employment Services to provide funding for the provision of developmental disability services to residents of Lancaster County. The contract term is July 1, 2000 to June 30, 2001. The County will appropriate funds in an amount equal to the annual county contribution. The County will pay a percentage of that amount. (C-00-416)

MOTION: Steinman moved and Workman seconded approval. Hudkins, Campbell, Steinman and Workman voted aye. Motion carried.

K. A resolution in relation to annual salary increases for certain County employees in the County unclassified service; deputy sheriff captains and attorneys. (R-00-103)

MOTION: Hudkins moved and Steinman seconded approval. Campbell, Hudkins, Workman and Steinman voted aye. Motion carried.

L. Request for a continuance of Revocation Hearing by Counsel for DLH, Inc. Hearing is currently scheduled for August 24, 2000 at 1:00 p.m. in Room 113, located on the first floor of the County-City Building

Item was moved forward on the agenda.

6) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. Register of Deeds Monthly Report for July, 2000.

B. Setting of a public hearing for Tuesday, September 5, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a request for an addition to licensed premises from the Nebraska State Board of Agriculture. The requested area, which is approximately 43 feet by 43 feet, is for an expansion to the Depot Beer Garden.

- C. Setting of a public hearing for Tuesday, September 5, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County City Building regarding :**
- 1. Comprehensive Plan Conformance No. 00004, requested by the Director of Planning, to acquire a permanent conservation easement over approximately 80.62 acres of saline wetlands, floodplain and native pasture generally located at the southwest corner of North 1st Street and West Raymond Road in Lancaster County, Nebraska**
 - 2. County Special Permit No. 182, Hawk's Pointe Community Unit Plan, requested by Lyle Loth of ESP for Eric Pavey, for six single family lots, on property generally located at the southwest corner of North 1st Street and West Raymond Road in Lancaster County, Nebraska.**
 - 3. County Preliminary Plat No. 00015, Hawk's Pointe, requested by Lyle Loth of ESP on behalf of Eric Pavey, for six lots, with requests to waive sidewalks, street paving, street lights, landscape screen, street trees and block length, on property generally located at the southwest corner of North 1st Street and West Raymond Road in Lancaster County, Nebraska.**
- D. Right-of-way contract between the County Engineer and Carolyn Velma Huling Wenzelberger, in the amount of \$5,864.75 on Fletcher Avenue from Bridge H-60 to North 148th Street; Project C55-H-409(1). (C-00- 413)**
- E. Temporary Easement between the County Engineer and Carolyn Velma Huling Wenzelberger, in the amount of \$17.00 on Fletcher Avenue from Bridge H-60 to North 148th Street, Project C55-H-409(1). (C-00-412)**
- F. Right-of-entry contract between the County Engineer and Dale and Lynette Nelson to fix a drainage problem on West Fletcher Avenue at no cost; Project SRR-55(126). (C-00-411)**

MOTION: Steinman moved and Workman seconded approval of the Consent Items. Steinman, Workman, Campbell and Hudkins voted aye.
Motion carried.

7) **ADJOURNMENT:**

MOTION: Steinman moved and Hudkins seconded adjournment of the Board of Commissioners meeting. Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk